



NEW ZEALAND AIDS FOUNDATION
Te Tuapapa Māte Arahore o Aotearoa

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Center for Disease Control and Prevention
Attn: Part 34 NPRM comments
1600 Clifton Road North East
Atlanta
GA 30333
United States of America

14 August 2009

RE: Docket No. CDC-2008-0001

Tēnā koe,

The New Zealand AIDS Foundation (NZAF) is New Zealand's leading HIV prevention and support organisation. The NZAF provides positive health services and HIV prevention to the communities most at risk of HIV, as well as research, analysis, policy advice and leadership in partnership with our neighbour Pacific Island nations. The NZAF has a vision of a world without AIDS, and aims to achieve this through its mission of preventing the transmission of HIV and supporting people affected by HIV and AIDS to maximise their health and wellbeing.

The development of HIV resilient communities requires protection of human rights which is why the NZAF supports the removal of HIV related bans on travel, stay and residency to the United States for the following reasons:

1. The current ban on entry, stay or residence in the US is discriminatory and discordant with the International Covenant on Civil and Political Rights (U.N. Doc. E/CN.4/1985/4). Restrictions related to HIV negatively affect the right of people living with HIV to life, privacy, liberty and work.
2. HIV related travel restrictions contribute to the discrimination and stigma against people living with HIV.
3. Protecting the human rights and dignity of people living with HIV leads to the most effective responses to the HIV epidemic. This has been reiterated in the Declaration of Commitment on HIV/AIDS (U.N. Doc. A/RES/S-26/2) and the Political Declaration on HIV/AIDS (U.N. Doc. A/RES/60/262). Banning people from entering, staying or residing in the US is contrary to these agreements and impedes the development of an effective global response to HIV.

It is for these reasons that the NZAF supports the rule proposed by the Department of Health and Human Services (HHS) and published in the Federal Register on July 2, 2009, which removes HIV infection from the definition of communicable diseases of public health significance (Title 42, part 34, of the Code of Federal Regulations).

The NZAF recognises the US as a global leader in the provision of programmes. Lifting the restrictions on people living with HIV from travelling, staying and residing in the US will return the position of the US as a leader in human rights for people living with HIV and unite the US with other nations, including Aotearoa New Zealand, in the global fight against AIDS.

Please feel free to contact us if you have any questions or if you require further comment.

Nāku noa, nā,